

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9051 of 1997

P A TADVI

Versus

STATE OF GUJARAT

Appearance:

MR YS LAKHANI for Petitioners

CORAM : MR.JUSTICE S.K.KESHOTE

Date of Order: 24/12/97

C.A.V. ORDER

Heard the learned counsel for the petitioners.

2. Having heard the learned counsel for the petitioners and perusing the special civil application, I am of the considered opinion that this petition is wholly misconceived and premature at this stage.

3. Under the order impugned in this special civil application, the petitioners were sent to Junagadh from Rajkot. The respondent No.4 was given the charge of Deputy Conservator of Forests (Vigilance) of Rajkot Circle and he has transferred these persons who are working under him, the petitioners herein, from Rajkot to Junagadh.

4. The petitioners grievance is that the respondent No.4 could not have passed the order of shifting of the office of the Deputy Conservator of Forests (Vigilance) from Rajkot to Junagadh as he has no such power of shifting of his office and particularly for shifting of the petitioners from Rajkot to Junagadh where they have come only one year back.

5. Though it is a plain and simple case of transfer of the petitioners from Rajkot to Junagadh and in such matters, the direct approach by the petitioners to this Court is wholly misconceived. The petitioners if they considered that the respondent No.4 could not have

ordered for transfer of the office of the Deputy Conservator of Forests (Vigilance) from Rajkot to Junagadh then they should have made a complaint to the higher ups of the department, which they did not do, but contrary to it they have come up before this Court directly.

6. The learned counsel for the petitioners admit during the course of arguments that whole of the office of the Deputy Conservator of Forests (Vigilance) including the staff working there which also includes the respondent No.4 himself has been transferred to Junagadh. So it is not the case where the individual persons have been transferred but the office itself has been transferred from Rajkot to Junagadh and in case the petitioners feel that it could not have been done by the respondent No.4 then they should have approached to the Principal Conservator of Forests of the State of Gujarat at Gandhinagar.

7. I do not consider it to be appropriate to express any final opinion in the matter on merits and dismiss the petition with a liberty to the petitioners to approach the Principal Conservator of Forests at Gandhinagar with their grievance impugned in this special civil application and in case such a representation is made by the petitioners then the same may be considered on merits in accordance with law within a period of fifteen days from the date of receipt of the same and a reasoned order may be passed where the grievance of the petitioners is not accepted and copy of the same may be sent to the petitioners.

(S.K. Keshote,J)

zgs/-